

to the claims clean up a number of terms which the Examiner had rejected under 35 USC Section 112 and incorporate materials from claims 8 and 21 into claims 1, 12 and 14, materials which the Examiner had stated (as of the First Office Action) may be allowable.

It is believed that no new matter is presented in the amended claims.

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RESPONSE

Elections/Restrictions, Paragraphs 1 and 2 of the First Office Action

10 In a previous action, the election of claims 1 through 22 was made in response to a restriction requirement. The non-elected claims will be presented in a continuation-in-part proceeding filed at the same time as this Response and Amendment.

Drawings, Paragraph 3 of the First Office Action

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The Examiner presently objects to the drawings as not showing “substantially no support rollers carried between the parallel side walls of the frame”. The applicant notes that in fact the diagrams show **non**-support rollers 44 (either idler sprocket rollers or motor driven sprocket rollers) between the frames but do not show any support rollers 19 between the frames. However
20 merely in order to speed prosecution this language is hereby removed from the claims. Should the issue of the difference between support rollers (generally elongated bodies with smooth sides) and sprocket rollers (generally circular bodies with teeth along the edge) become important to

patentability, the applicant may raise it again in this application.

Claim Rejections Under 35 USC Section 112, Paragraphs 4 and 5 of the First Office Action

5 The Examiner presently rejects claims 1, 7, 11, 12, 14, 19, 20 for several phrases:
“designed to be” “having substantially no support roller” and so on. These phrases have been removed in order to speed prosecution. Other minor typographical changes have been made, also in order to speed prosecution.

10 The applicant notes and strongly objects to the Examiner’s characterization in fourth paragraph of Paragraph 5 of sprocket rollers 44 and return rollers 66 as being “support rollers”. Structurally, return rollers are different from support rollers in that they lack the numbers, width and strength to support substantial loads. This is because the return rollers 66 are merely a structural pathway guiding the belt to return from the tail of the conveyor to the head of the conveyor. For example, in Fig. 4, it is made clear that the return rollers 66 allow the endless belt
15 to droop between rollers, which makes it impossible for the return rollers 66 to support any load. Return rollers are normally spaced apart by two to three feet, thus allowing the belt to droop between rollers. Sprocket rollers 44, whether driven or idlers, are generally planar circular bodies with teeth upon the edge, unlike actual support rollers which have smooth elongated bodes and no teeth. Sprocket rollers drive or tension a belt, while support rollers support a load,
20 functional differences which lead to the structural differences described. At the present time, the language involving the lack of support rollers has been removed from the claims, thus presently mooted the issue.

Claims Rejections Under 35 USC Section 102, Paragraphs 6, 7 and 8 of the First Office Action

5 The Examiner presently rejects certain claims as lacking “novelty”, but has stated that certain claims (8, 9, 21) may be allowable if re-written. In order to speed prosecution, the applicant hereby amends the limitations of claims 8 and 21 into independent claims 1, 12 and 14, thus mooting this grounds for rejection.

Claims Rejection Under 35 USC Section 102, Paragraphs 9 and 10 of the First Office Action

10 The Examiner presently rejects certain claims as lacking “non-obviousness”, but has stated that certain claims (8, 9, 21) may be allowable if re-written. In order to speed prosecution, the applicant hereby amends the limitations of claims 8 and 21 into independent claims 1, 12 and 14, thus mooting this grounds for rejection.

15 Allowable Subject Matter, Paragraph 11 of the First Office Action

The Examiner has in the First Office Action identified subject matter of claims 8, 9 and 21 as allowable. The subject matter of dependent claims 8 and 21 has therefore been
20 incorporated into independent claims 1, 12 and 14 in order to speed prosecution.

Conclusion, Paragraph 12 of the First Office Action

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For all the foregoing reasons, applicant respectfully urges that the application is now in condition for immediate allowance, and such action is requested. The Examiner is respectfully urged to contact applicant's counsel, Craig W. Barber, PO Box 16220, Golden, Colorado, 80402-6004, 303-278-9973, fax 303-278-9977, with any questions or comments.

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